
From: Eneas Kane [mailto:EKane@dmbpv.com]
Sent: Wednesday, February 22, 2017 3:06 PM
To: Kao, Jessica <Kao.Jessica@epa.gov>
Cc: rmartella@sidley.com; David Smith <dsmith@sticeblock.com>
Subject:

Dear Ms. Kao,

We wanted to reach out and let you know that our consideration of the site and potential future uses continues, as noted below. We appreciate EPA's patience as we evaluate proposals for the future. The exchange below referenced a six-month pause on the request for a JD for the site. We feel we are making real progress toward a new proposal for all stakeholders' consideration, but the efforts are taking longer than we had hoped. Accordingly, we would like to request an additional six months for the pause as we continue our ongoing evaluation and consideration of alternatives.

Please let us know if you have any questions regarding this matter.

Sincerely,
Eneas Kane

From: Eneas Kane
Sent: Monday, September 19, 2016 9:59 AM
To: Kao, Jessica
Cc: rmartella@sidley.com; David Smith
Subject:

Dear Ms. Kao,

That is correct. As we continue to evaluate the site, and as indicated below, we are requesting a pause for a six month period, while fully preserving and reserving our legal objections. As my original email indicates, this is intended to realize only a temporary tolling of our respective efforts while preserving the status quo.

Eneas Kane

From: Kao, Jessica [mailto:Kao.Jessica@epa.gov]
Sent: Tuesday, September 13, 2016 6:24 PM
To: Eneas Kane
Cc: rmartella@sidley.com; David Smith
Subject: RE:

Dear Mr. Kane,

Thank you for the email notice. For clarification, I understand that the requested pause refers specifically to Saltworks' request for a Clean Water Act jurisdictional determination of its Redwood City site that is the subject of the referenced EPA special case.

Jessica Kao

Chief of Staff, Office of the Regional Administrator
USEPA, Pacific Southwest Region (Arizona, California, Hawaii, Nevada, Pacific Islands & 148 Tribes)
75 Hawthorne Street
San Francisco, CA 94105
415-972-3922

From: Eneas Kane [<mailto:EKane@dmbpv.com>]
Sent: Tuesday, September 13, 2016 1:50 PM
To: Kao, Jessica <Kao.Jessica@epa.gov>
Cc: rmartella@sidley.com; David Smith <dsmith@sticeblock.com>
Subject:

Dear Ms. Kao,

On March 18, 2015, Ken Kopocis, then Deputy Assistant Administrator of Water for EPA, informed the Corps of Engineers that EPA headquarters was granting EPA Region IX's request to place the Redwood City Saltworks on its "special case" list. Mr. Kopocis further said that this action had the effect of divesting the Corps of the authority to issue a jurisdictional determination for the site and vested such authority in EPA. It is our understanding that since that time, EPA headquarters has delegated significant responsibility for preparation of the jurisdictional determination to Region IX and that Region IX has been working and continues to work on that task. As you are aware, Saltworks respectfully believes that EPA's actions are contrary to applicable law.

At this time, as we continue to evaluate the site, we are requesting a pause of Saltworks' request for a six month period, while fully preserving and reserving our legal objections. To be clear, this is intended to realize only a temporary tolling of our respective efforts while preserving the status quo. We also will reach out in the event we believe action is warranted sooner.

We appreciate your consideration of this request. Should you have any questions, please feel free to contact me.

Eneas Kane